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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,409	12/20/2001	Bernd Eilers	30014200-1015	2814
<div><div><div>58328759006/21/2007</div><div>SONNENSCHN NATH & ROSENTHAL LLP</div><div>FOR SUN MICROSYSTEMS</div><div>P.O. BOX 061080</div><div>WACKER DRIVE STATION, SEARS TOWER</div><div>CHICAGO, IL 60606-1080</div></div><div><div>EXAMINER</div><div>AILES, BENJAMIN A</div></div><div><div>ART UNIT</div><div>PAPER NUMBER</div></div><div><div>2142</div></div><div><div>MAIL DATE</div><div>DELIVERY MODE</div></div><div><div>06/21/2007</div><div>PAPER</div></div></div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/027,409

Applicant(s)

EILERS ET AL.

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-11 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9-11 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to correspondence filed 06 April 2007.
2. Claims 1, 9-11 and 19-24 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 9-11 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton et al. (US 6,470,378 B1), hereinafter referred to as Tracton, in view of Colby et al. (US 6,862,624), hereinafter referred to as Colby.

6. Regarding claim 1, Tracton teaches a method in a data processing system comprising a web server having a web page with a content, the method comprising the steps of:

determining to download the web page to a client responsive to receiving a request message from the client to download the web page (col. 3, ll. 41-42);

obtaining a client capability of the client from a source other than the client responsive to the determination (col. 4, ll. 7-10);

analyzing the request message to detect a minimum client characteristic (col. 5, ll. 30-37);

adapting the content of the web page to be compatible with the obtained client capability and the minimum client characteristic (col. 4, ll. 10-13); and

downloading the web page with the adapted content to the client (col. 4, ll. 10-13).

Tracton teaches the above limitations but does not explicitly teach "wherein the web server retrieves the client capability from a local secondary storage on the web server". Tracton teaches wherein a client capability can be obtained from a registry located remotely for security reasons (col. 4, ll. 4-13). However, in related art, Colby teaches wherein a server can store information locally, the information being of client information with respect to a client's capability. Colby teaches in Figure 2 a Client Capability Database (CCD), item 112 and column 7, lines 17-21 the CCD which contains information related to the known capabilities of clients and therefore directly teaches on the ability of a server being able to access information with respect to client capability information from a local storage area. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to modify the teachings of Tracton in view of Colby, wherein it would have been obvious to make a slight

modification to the "registry" taught by Tracton by implementing the "registry" to be located locally with respect to the web server instead of being in a remote location. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of placing information accessible locally instead of remotely would accelerate information access speed due to decreasing the amount of transactions that need to be conducted over the network. One of ordinary skill would have been motivated for the reasons stated above, specifically in order to accelerate "client capability" determination transaction speed.

7. Independent claims 11, 21 and 24 contain similar subject matter and are rejected under the same rationale as independent claim 1.

8. Regarding claim 9, Tracton and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49).

9. Regarding claim 10, Tracton and Colby teach the method wherein the client capability comprises a video display capability of the client (Tracton, col. 4, ll. 33-42).

10. Regarding claim 19, Tracton and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49).

11. Regarding claim 20, Tracton and Colby teach the method wherein the client capability comprises a video display capability of the client (Tracton, col. 4, ll. 33-42).

12. Regarding claim 22, Tracton and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49).

13. Regarding claim 23, Tracton and Colby teach the method wherein the client capability comprises a video display capability of the client (Tracton, col. 4, ll. 33-42).

Response to Arguments

14. Applicant's arguments filed 06 April 2007 have been fully considered but they are not persuasive. Applicant argues that Tracton fails to disclose or suggest (a) "adapting a web page to be compatible with an obtained client capability and a minimum client characteristic, which is detected in a request message from a client" and further argues that Tracton does not (b) "obtain a client capability from a secondary storage on a web server and not from a second data processing system". Firstly, with respect to point (a), examiner respectfully disagrees with applicant. Tracton teaches clearly on the scaling of network content according to data-recipient characteristics such as processing ability as mentioned in the field of invention in column 1, lines 6-9. Tracton further elaborates on this concept wherein Tracton teaches the determination of which content to serve to a requesting a client, as taught in col. 4, ll. 53-57, with respect to a client's characteristic profile that includes information needed to provide capability-tailored data as taught in column 4, lines 10-14. Secondly, with respect to point (b), applicant is reminded with respect to the rejection that Tracton was not relied upon for teaching this limitation. Please see rejection made above with respect to Tracton in view of Colby. In conclusion, the filed claims are not deemed patentable over the prior art of record.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with the first name "Andrew" and last name "Caldwell" clearly distinguishable.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER